IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 2030 of 2007(N)
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PETITIONER:
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OMANAKUTTA KURUP,
TALUK SUPPLY OFFICER, MALLAPPALLY,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.R.RAJASEKHARAN PILLAI
SMT.SABINA JAYAN
SRI.M.S.NISHAD

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY AND COMMISSIONER,
FOOD AND CIVIL SUPPLIES DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR,
CIVIL SUPPLIES, TRIVANDRUM.

BY GOVT. PLEADER MR. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.K.DENESAN, J.**

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**WP(C)No. 2030 OF 2007**

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**Dated this the 24th January, 2007.**

**JUDGMENT**

The petitioner is working as Taluk Supply Officer in the Civil Supplies Department. He is one among the officers ordered to be deputed to the Civil Supplies Corporation. This type of deputation arrangement has been going on for sometime in between the Civil Supplies Department and the Civil Supplies Corporation. Those series of deputation orders have its own history. It is for the Government to consider whether the supply of personnel from the Civil Supplies Department should come to an end since the Corporation is competent to recruit its own temporary or permanent employees to cope up with the work load in that Corporation. The deputation arrangement was found inevitable during the preliminary stages to keep the equilibrium and to balance the change in work load and the excess strength of staff in the Department. Deputation need not be a method to be followed ad infenitum. There are organisations in the Civil Supplies Department who raise the demand that no more deputation need be made since the Civil Supplies Corporation has gained the strength to stand on its own leg.

2. Since no policy decision in the above direction has

so far been taken by the Government, deputation orders are being issued under the general guidelines prescribing norms for such deputation.

3. The petitioner had worked on deputation in the Civil Supplies Corporation for a period of five years and ten months commencing from 11.8.2001. After repatriation to the parent department he worked in the Civil Supplies Department for a period of about two years. On request made by him he was sent on deputation to the Kerala State Beverages Corporation. There he was on deputation for another period of five years. In July 2006, he returned back. His name is included in the list of officers due to be deputed once again to the Civil Supplies Corporation from the department. This has been done as per Ext.P2 proceedings of the Civil Supplies Commissioner. Based on Ext.P2 the first respondent has passed G.O dated 15.1.2007 deputing as many as eight Taluk Supply Officers and Senior Superintendents of the Civil Supplies Department to the Kerala State Civil Supplies Corporation subject to the terms and conditions governing deputation, as stipulated in G.O dated 30.12.2000 (Ext.P1).

4. Counsel for the petitioner submits that the petitioner is not liable to be sent on deputation for the second time, particularly as per an order passed on

15.1.2007, since he has not been given the benefit of Clause 12(b) of Ext.P1 which reads:-

> "A person returning to the Department from deputation shall be ordinarily sent back on deputation only after a minimum period of 2 years from the date on which the previous deputation ended. Deputation on the basis of willingness will be allowed also only on completion of the minimum period of two years as stated above."

5. Govt. Pleader submits that, prima facie, the petitioner does not appear to be entitled to take advantage of Clause 12(b) of Ext.P1 since the two years period will be applicable only to those who had spent their service in the Civil Supplies Corporation on deputation. As far as the petitioner is concerned, his deputation to the Corporation ended on 11.8.2001. The deputation which ended in July 2006 was after a period of five years which he spent in the Beverages Corporation.

6. I do not propose to go into the details of the claim made by the petitioner since counsel for the petitioner submits that the petitioner has already approached the Government for a review of Ext.P6 order and he expects consideration of his case by the Government. It is seen that the petitioner has already filed two representations addressed to the Hon'ble Minister for Civil Supplies but those representations were made prior to Ext.P6.

7. Therefore there shall be an order directing the first respondent to consider the representation of the petitioner. Counsel for the petitioner promises to file representation against Ext.P6 order dated 15.1.2007 in which his name is included among those deputed to the Civil Supplies Corporation. Counsel for the petitioner submits that such a representation will be filed within one week from today. There shall be an order directing the first respondent to consider and pass orders on the representation, if filed as stated above, as expeditiously as possible, in any event, within two weeks from the date of receipt of the representation. Writ petition is disposed of with the above direction.

**K.K.DENESAN**
**Judge**

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